

a fluid controller comprising an electrically powered pump, the fluid controller being permanently connected to the inflatable bladder, and the fluid controller being at least partially positioned within a profile of the bladder such that the external profile of the fluid controller and inflatable bladder in combination is essentially the same as the exterior profile of the inflatable bladder alone, at least a portion of the fluid controller being accessible from the exterior of the bladder, and the fluid controller being adapted to permit exhaustion of air from the bladder through the fluid controller; and

wherein the fluid controller comprises a valve through which the air exits the bladder.

### **REMARKS**

Claims 1-3, 5-31, 33 and 36-58 were previously pending in this application. By this amendment, Applicant is canceling claims 19 and 48. Claims 44-45, 47, 49, 51, 56 and 58 have been amended to incorporate the subject matter of the independent claim from which they previously depended. No new claims have been added. As a result claims 1-3, 5-18, 20-31, 33, 36-47 and 49-58 are pending for examination with claims 1, 20, 27, 30, 44-45, 47, 49, 51, 56 and 58 being independent claims. No new matter has been added.

### **Allowable Subject Matter**

The Applicant acknowledges that in paragraph 3 of the Office Action, all pending claims (claims 1-3, 5-31, 33 and 36-58) were indicated as allowable. Accordingly, all the claims as pending are allowable, given that the only two objected to claims 19 and 48 have been canceled (see below). However, Applicant has filed this response in conjunction with an RCE because additional art has come to Applicant's attention, which the Applicant cannot cite other than through an RCE at this point in prosecution. In particular, Applicant is citing a translation of a German reference that is already of record, because Applicant translated the German reference in connection with the corresponding EP case. In addition, Applicant's licensee has brought to the attention of Applicant numerous references from a litigation related to another patent of the Applicant and therefore Applicant cites the information to the U.S. Patent and Trademark Office to comply with the duty of disclosure. However, Applicant does not believe that the references

are any more material than any of the art already of record and believes that claims as pending are in condition for allowance. Accordingly, a notice of allowance is respectfully requested.

#### Objections to the Specification

In paragraph 1 of the Office Action, the specification was objected to as failing to provide antecedent basis for claimed subject matter. Claims 19 and 48 have been canceled. This objection is now moot and withdrawal of this objection is respectfully requested.

#### Objections to the Claims

In paragraph 2 of the Office Action, claim 48 was objected to. In a phone conversation with Examiner Soldano on January 26, 2005, the Examiner indicated that a Supplemental Amendment mailed September 1, 2004 has now been received by the Examiner. In said Supplemental Amendment, claim 48 was amended in a manner to overcome this objection. Accordingly the objection to claim 48 is moot. The Applicant respectfully requests that this objection be withdrawn.

#### Regarding Information Disclosure Statements

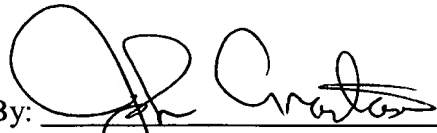
Per the phone conversation with the Examiner on January 26, 2005, the Applicant requests that an initialed copy of the Information Disclosure Statements (IDSs) that was mailed on November 10, 2004 be provided with the next correspondence. The Applicant's attorney confirmed that a copy of said IDS need not be provided to the Examiner since it is available on PAIR. Additionally, the Applicant requests that an initialed copy of the IDS provided herewith also be provided to the Applicant with the next correspondence. Accordingly, the Applicant requests that a total of **two (2)** initialed IDSs be provided with the next correspondence.

#### CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,  
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